

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

SARAH WALKER,

Plaintiff,

vs.

No. CIV 09-0060 JB/KBM

THI OF NEW MEXICO AT HOBBS CENTER d/b/a
HOBBS HEALTH CARE CENTER, DIANA
MELTON, JAIME ANDUJO, DEBBIE
LOTHRIDGE, KAREN HOOD (MILLER),
THI OF NEW MEXICO, LLC, FUNDAMENTAL
CLINICAL CONSULTING, LLC, FUNDAMENTAL
ADMINISTRATIVE SERVICES, LLC,
THI OF BALTIMORE, INC., and FUNDAMENTAL
LONG-TERM CARE HOLDINGS, LLC,

Defendants,

and

THI OF NEW MEXICO AT HOBBS CENTER, LLC,
THI OF NEW MEXICO, LLC, FUNDAMENTAL
ADMINISTRATIVE SERVICES, LLC, AND
FUNDAMENTAL CLINICAL CONSULTING, LLC,

Counter-Plaintiffs,

vs.

SARAH WALKER,

Counter-Defendant.

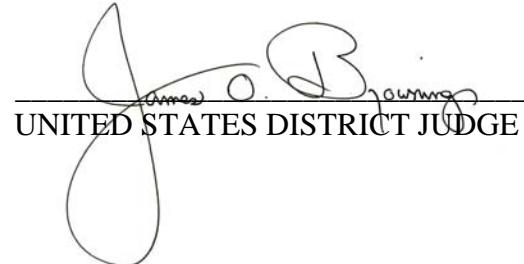
MEMORANDUM OPINION AND ORDER

THIS MATTER comes before the Court on Defendant Jaime Andujo's Motion for Protective Order, filed March 18, 2011 (Doc. 240). The Court held a hearing on May 12, 2011. The primary issue is whether the Court should issue a protective order pursuant to rule 26(c)(1) of the Federal Rules of Civil Procedure preventing Defendant Fundamental Administrative Services, LLC

(“FAS”) from disclosing Bates stamped pages 1547 to 1551 of Defendant Jaime Andujo’s personnel file. Andujo represents that the documents in his personnel file relate to a personal incident involving his then-wife, which occurred in 2004, before Plaintiff Sarah Walker began her employment with THI of New Mexico at Hobbs Center d/b/a Hobbs Health Care Center. He argues that the information in these documents is not relevant to any parties’ claims or defenses, is not relevant to the subject matter involved in any of Walker’s claims, would not be admissible at trial, and would not lead to the discovery of admissible evidence. Walker agreed to the Court’s conducting an *in camera* review, but did not agree that the documents being withheld are not relevant, because she has not seen them. After reviewing the documents, the Court cannot see any way in which a creative plaintiff’s lawyer could use the information. The information in these documents is not relevant to any of the parties’ claims or defenses, and will not lead to the discovery of admissible evidence. At the hearing, the Court asked Walker’s counsel if they had any idea what information the documents contained. Andujo’s counsel attached a relevancy log to the motion. This log stated that the documents withheld as irrelevant involved a personal incident between Andujo and his wife. Walker’s counsel stated: “I think the documents are about a . . . marital problem that spilled over into the workplace. And then . . . one of the THIs generated some documents concerning this event.” Walker’s counsel conceded such documents would not be relevant to what Walker was trying to do, and the Court agrees. Without disclosing or implying in any way what the documents discussed, the Court believes that the documents and the information contained in the documents are not relevant to the issues in this case. For these reasons, and the reasons stated on the record at the hearing, the Court will issue a protective order preventing FAS from disclosing Bates stamped pages 1547 to 1551 of Andujo’s personnel file.

IT IS ORDERED that Defendant Jaime Andujo’s Motion for Protective Order, filed March

18, 2011 (Doc. 240), is granted.



UNITED STATES DISTRICT JUDGE

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-- and --

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